

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The final Office Action dated December 3, 2009 has been received and its contents carefully reviewed.

Claim 5 is hereby amended. Claims 6 and 11-18 were previously canceled. No claims are added. Accordingly, claims 1-5 and 7-10 are currently pending, of these, claims 1-4 are withdrawn from consideration. Reexamination and reconsideration of the pending claims is respectfully requested.

**Claims 5 and 7-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** *Office Action* at p. 2, ¶ 2. Applicants have amended independent claim 5 and respectfully request that the Office to withdraw the 35 U.S.C. § 112, second paragraph rejection of claim 5. Claims 7-10 depend from independent claim 5. It stands to reason that the 35 U.S.C. § 112, second paragraph rejection of those dependent claims should be withdrawn as well.

**Claims 5 and 7-10 are rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Publication No. 2006/0054198 to Choi (hereinafter “*Choi*”).** *Office Action* at p. 3, ¶ 7. Applicants respectfully traverse the rejection and request reconsideration.

Independent claim 5 is allowable over the cited references in that claim 5 recites a combination of elements including, for example, “selecting a wash cycle by a user and inputting operation commands; beginning a cycle according to the selection of the wash cycle and operating a wash pump and a discharge member, the discharge member switching between an upper arm and a lower arm, the switching of the discharge member between the upper arm and the lower arm occurring at least once; determining by a controller whether the switched discharge member is the upper arm after elapsing predetermined time from beginning the wash cycle; switching the discharge member to the upper arm when the determined discharge member is the lower arm; operating the upper arm for a setting time; finishing the wash cycle after operating the upper arm for a setting time; and operating other cycles if the wash cycle has been completed.” *Choi* does not teach or suggest at least these features of independent claim 5.

The Office asserts that *Choi* teaches “the switching of the discharge member between the upper arm and the lower arm occurring at least one [sic]” and “determining by a control unit whether the switched discharge member is the upper arm before the cycle ends.” *Office Action* at p. 4. *Choi*, however, discloses that determining whether the switch discharge member is the upper arm before the cycle ends in order to increase RPM if the switched discharge member is the upper arm. *See Choi* at ¶ [0088]. *Choi* is entirely silent with regards to the determining whether the switch discharge member is the upper arm at the last stage of the wash cycle.

And, *Choi* is entirely silent with regards to the determining whether the switch discharge member is the upper arm after elapsing predetermined time from beginning the wash cycle. *Choi* is also entirely silent with regards to the finishing the wash cycle after operating the upper arm for a setting time; and operating other cycles if the wash cycle has been completed.

In contrast, Applicant claims “determining by a controller whether the switched discharge member is the upper arm after elapsing predetermined time from beginning the wash cycle.” Thus, *Choi* does not teach all of the features as recited in independent claim 5.

Accordingly, Applicants respectfully submit that claim 5 is patentably distinguishable over *Choi*. Claims 7-10, which depend from independent claim 5, are also patentably distinguishable for at least the same reasons as discussed above. Accordingly, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 103(a) rejection of claims 5 and 7-10.

### **CONCLUSION**

All the stated grounds of rejection have been properly traversed, accommodated, and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objection and rejections and that they be withdrawn.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37

C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to Deposit Account No. 50-0911.

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Respectfully submitted,

By *Roseland J. Bellino* (Reg. No. 60,164)  
for **Michael I. Angert**  
Registration No.: 46,522  
McKENNA LONG & ALDRIDGE LLP  
1900 K Street, N.W.  
Washington, DC 20006  
(202) 496-7500  
Attorneys for Applicant